

Assembly Bill No. 1664

CHAPTER 262

An act to amend Sections 17462.3 and 17489 of the Education Code, relating to school facilities.

[Approved by Governor August 22, 2014. Filed with
Secretary of State August 22, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1664, Hagman. School facilities: sale or lease of real property.

(1) Existing law authorizes the State Allocation Board to establish a program under which it would require a school district, county office of education, or charter school that sells real property that was purchased with or modernized with, or on which improvements were constructed that were funded with, any moneys from a state school facilities funding program, to return to the board the moneys the school district, county office of education, or charter school received from the state school facilities funding program for the purchase, modernization, or construction if certain conditions are met. Under this program, moneys received within 10 years before the real property is sold would be required to be returned if the real property is not sold to a charter school, a school district, a county office of education, or an agency that will use the property exclusively for the delivery of child care and development services, in accordance with a statute that requires property first be offered to a charter school before alternate disposition.

This bill would specify that, under the authorized program, the moneys would have to be returned if the real property is not sold to a charter school in accordance with that statute, or if the real property is not sold to a school district, a county office of education, or an agency that will use the property exclusively for the delivery of child care and development services if the real property has been deemed to be surplus and a charter school has not accepted an offer to purchase or lease.

(2) Existing law requires the governing board of a school district, before selling or leasing a schoolsite consisting in whole or in part of land suited or used for outdoor recreation, if a charter school has not accepted an offer to purchase or lease the schoolsite pursuant to a specified statute, to first offer to sell or lease that portion of the schoolsite suited for outdoor recreation, to the extent not retained by the governing board, to one of specified local agencies.

This bill would exempt from this requirement land to which this provision would otherwise apply, but which is subject to the provisions described in (1) above because it was purchased with or modernized with, or improvements were constructed on it that were funded with, any moneys from a state school facilities funding program. The bill would authorize the

governing board of a school district in this instance, after first offering the schoolsite for sale or lease to a charter school pursuant to a prescribed statute, to offer to sell or lease the property to another school district, a county office of education, or a governmental entity that provides child care and development services before offering to sell or lease the property to one of the local agencies referenced above.

The people of the State of California do enact as follows:

SECTION 1. Section 17462.3 of the Education Code is amended to read:

17462.3. (a) The State Allocation Board may establish a program that requires a school district, county office of education, or charter school that sells real property that was purchased with or modernized with, or on which improvements were constructed that were funded with, any moneys from a state school facilities funding program, to return to the State Allocation Board the moneys the school district, county office of education, or charter school received from the state school facilities funding program for the purchase, modernization, or construction if all of the following conditions are met:

(1) The real property is not sold to a charter school pursuant to Section 17457.5, a school district, a county office of education, or an agency that will use the property exclusively for the delivery of child care and development services pursuant to Section 17458.

(2) The proceeds from the sale of the real property are not used for capital outlay.

(3) The real property was purchased, or the improvements were constructed or modernized on the real property, within 10 years before the real property is sold.

(b) The moneys to be returned to the State Allocation Board under this section are those received within 10 years before the real property is sold.

(c) If a portion of the real property is sold, a proportionate amount of funds received from a state school facilities funding program shall be returned to the State Allocation Board under this section based on the percentage of the real property sold.

SEC. 2. Section 17489 of the Education Code is amended to read:

17489. (a) (1) Other than as specified in paragraph (2), and notwithstanding Section 54222 of the Government Code, the governing board of a school district, before selling or leasing a schoolsite containing land described in Section 17486, excluding that portion of a schoolsite retained by the governing board of the school district pursuant to Section 17490, shall, if a charter school has not accepted an offer to purchase or lease the schoolsite pursuant to Section 17457.5, first offer to sell or lease that portion of the schoolsite consisting of land described in Section 17486, excluding that portion retained by the governing board of the school district pursuant to Section 17490, to the following public agencies in accordance with the following priorities:

(A) First, to any city within which the land may be situated.

(B) Second, to any park or recreation district within which the land may be situated.

(C) Third, to any regional park authority having jurisdiction within the area in which the land is situated.

(D) Fourth, to any county within which the land may be situated.

(2) The governing board of a school district, before selling or leasing a schoolsite to which paragraph (1) would otherwise apply, but which was purchased with or modernized with, or on which improvements were constructed that were funded with, any moneys from a state school facilities funding program, and to which subdivision (a) of Section 17462.3 is applicable, after first offering the schoolsite for sale or lease to a charter school that has requested notification pursuant to Section 17457.5, may offer to sell or lease the property to another school district, a county office of education, or a governmental entity that provides child care and development services pursuant to Section 17458 before offering to sell or lease the property to the entities listed in subparagraphs (A) to (D), inclusive, of paragraph (1).

(b) The governing board of the school district shall have discretion to determine whether the offer shall be an offer to sell or an offer to lease.

(c) An entity which proposes to purchase or lease a schoolsite offered by a school district shall notify the school district of its intention, in writing, within 60 days after receiving written notification from the school district of its offer to sell or lease.